

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
Charlotte Division**

**FILED**  
U.S. Bankruptcy Court  
Western District of NC

**OCT 19 2012**

Steven T. Salata, Clerk  
Charlotte Division  
RMS

In re: Matthew Alan Jenkins, d/b/a/ <i>Shephard Service Company</i> ,  Debtor,	Case No. 12-50413  Chapter 7
James T. Ward, Sr., Trustee, and Linda Simpson, United States Bankruptcy Administrator,  Plaintiffs,  v.  Matthew Alan Jenkins,  Defendant.	Adversary Proceeding 12-03223

**ANSWER AND AFFIRMATIVE DEFENSES TO  
COMPLAINT OBJECTING TO DISCHARGE**

Defendant, Matthew Alan Jenkins, responds as follows to the allegations in Plaintiffs' Complaint.

**PARTIES, JURISDICTION AND VENUE**

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted that debtor filed for Chapter 7 bankruptcy protection on April 11, 2012, as to all other allegations or inferences therein, denied.

6. Defendant admits that his bankruptcy petition lists what it lists. However, Plaintiffs intentionally mischaracterize the Wake County Superior Court

Order of April 10 as finding of fact (when it is not), and conspicuously ignore the Courts order April 12, 2012 wherein the Court admits there is nothing in the record support the false allegations leading to April 10:

MR. LELIEVER:

*To state -- that counsel stated that my client hasn't been here, he was never ordered to be here by the Court. If the Court wants to say or assert that my client is not complying with the Court, I want the Court to take a look at the record. My client has produced the documents.*

*Also, my client was never ordered in that order in 2011 to produce his wife's bank records. He was only ordered to do that Tuesday of this week, which my client has gone to the bank. I've shown you that he's preparing to do that. He's here in Court today as ordered. **There has been no allegation that he's transferred funds.***

*Mr. Chocklett's allegation that he hasn't filed all the documents, I don't know if he's aware of what the bankruptcy code is, but my client has 14 days to produce those. As you can see on the document, he did this by himself. He does not have an attorney to produce these things for him.*

*He has a legitimate claim to bankruptcy as far as I can tell, Your Honor, and to assert that he doesn't is just that, it's an assertion. To assert that he's not complying with the Court order is just that, it's an assertion. But, Your Honor, you ordered my client to be present today. He's here today.*

*You ordered him to go and see if he can get those records from the bank. He has done that. You ordered him not to transfer property. He's done that too.*

THE COURT:

*Mr. Chocklett, I have actually reviewed the file. **I could find no order in the file in which the defendant was compelled by court order to appear at previous hearings.***

*The Court finds the defendant is **not** in criminal violation of the -- any order of the Court, and therefore the Court dismisses the show cause action;*

(Exhibit A, Transcript of April 12, 2012 Hearing, 9:16-25, 10:1-23, 11: 11-13)

The April 10, 2012 order was drafted in its entirety by Federated's attorney, Gregory Chocklett, whom, upon information and belief, has conspired with Trustee's attorney in these proceedings to ensure Defendant's discharge would be denied. As to other allegations or inferences therein, denied.

7. Admitted.

8. Admitted that Debtor sent an email on April 17, 2012 and that the Court's order of April 20, 2012 states what it states, as to all other allegations or inferences therein, denied.

9. Admitted that Defendant provided copies of his 2010 and 2011 federal and state income tax returns to Plaintiffs, as to all other allegations or inferences therein, denied.

10. Admitted that Defendant's Bankruptcy Papers state what they state, as to all other allegations or inferences therein, denied.

11. Admitted that Defendant's Bankruptcy Papers state what they state, as to all other allegations or inferences therein, denied.

12. Admitted that Defendant's email of May 4, 2012 states what it states, as to all other allegations or inferences therein, denied.

13. Admitted that Defendant's Bankruptcy Papers state what they state, as to all other allegations or inferences therein, denied.

14. Admitted that Defendant's Bankruptcy Papers state what they state, as to all other allegations or inferences therein, denied.

15. Defendant is without sufficient knowledge to admit or deny the allegation contained in this paragraph of Plaintiff's Complaint, therefore denied.

16. Denied.

17. Admitted that Defendant's tax returns state what they state, as to all other allegations or inferences therein, denied.

18. Admitted that the transcript of the May 14, 2012 Meeting of Creditors states what it states, as to all other allegations or inferences therein, denied.

19. Defendant is without sufficient knowledge to admit or deny the allegation contained in this paragraph of Plaintiff's Complaint, therefore denied.

20. Admitted that the transcript of the May 14, 2012 Meeting of Creditors states what it states, as to all other allegations or inferences therein, denied.

21. Admitted that Defendant's Bankruptcy Papers state what they state, as to all other allegations or inferences therein, denied.

22. Defendant is without sufficient knowledge to admit or deny the allegation contained in this paragraph of Plaintiff's Complaint, therefore denied.

23. Admitted that the transcript of the May 14, 2012 Meeting of Creditors states what it states, as to all other allegations or inferences therein, denied.

24. Defendant is without sufficient knowledge to admit or deny the allegation contained in this paragraph of Plaintiff's Complaint, therefore denied.

25. Defendant admits (D.E. 87) and (D.E. 108) state what they state, as to all other allegations or inferences therein, denied.

26. Admitted.

27. Denied to the extent that Plaintiffs' narrative inaccurately describes Defendant's testimony. Specifically, counsel for the Trustee did not inquire into contact information for any putative defendant's listed in the Bankruptcy Papers.

28. Denied to the extent that Plaintiff's narrative inaccurately describes Defendant's testimony.

29. Admitted that Exhibits D and E state what they state, as to all other allegations or inferences therein, denied.

30. Admitted that Exhibit E states what it states, as to all other allegations or inferences therein, denied.

31. Admitted that Exhibits F and G state what they state, as to all other allegations or inferences therein, denied.

32. Defendant is without sufficient knowledge to admit or deny the allegation contained in this paragraph of Plaintiff's Complaint, therefore denied.

33. Defendant is without sufficient knowledge to admit or deny the allegation contained in this paragraph of Plaintiff's Complaint, therefore denied.

34. Defendant is without sufficient knowledge to admit or deny the allegation contained in this paragraph of Plaintiff's Complaint, therefore denied.

35. Admitted that Exhibit E states what it states, as to all other allegations or inferences therein, denied.

**FIRST CAUSE OF ACTION**

**Denial of Discharge – 11 U.S.C. §§ 727(c) and (a)(2)**

36. Defendant re-alleges and re-incorporates paragraphs 1 through 35 as if fully restated herein.

37. Admitted that Section 727(a)(2)(a) states what it states, as to all other allegations or inferences therein, denied.

38. Denied. Federated is a debt collector, subject to 15 U.S.C. § 1692 *et seq.*

39. Denied to the extent that the “stayed” supplemental proceeding is a separate legal action from the underlying civil action which resulted in the judgment.

40. Denied. Defendant has a statutory right to seek dismissal.

41. Denied. No lawsuit proceeds were transferred to Dianna Jenkins.

42. Denied. No transfers were made. Plaintiffs’ allegation is therefore devoid of factual basis.

43. Denied. No transfers were made. Plaintiffs’ allegation is therefore devoid of factual basis.

44. Denied. Defendant’s Bankruptcy Papers state what they state.

45. Denied. No transfers were made. Plaintiffs’ allegation is devoid of factual basis.

46. Denied to the extent that no transfer was made. Further, Defendant denies the validity of the so-called Federated judgment.

47. Denied. No transfers were made. Plaintiffs’ allegation is therefore devoid of factual basis.

48. Denied. No transfers were made. Plaintiffs’ allegation is therefore devoid of factual basis.

49. Denied. No transfers were made. Plaintiffs’ allegation is therefore devoid of factual basis.

50. Admitted that Defendant’s Bankruptcy Papers state what they state, as to all other allegations or inferences therein, denied.

51. Denied. No transfers were made. Plaintiffs' allegation is therefore devoid of factual basis.

52. Admitted that § 727(c) states what it states. Denied that Plaintiffs are entitled to relief under § 727(a)(2).

**SECOND CAUSE OF ACTION**  
**Denial of Discharge – 11 U.S.C. § 727(a)(3)**

53. Defendant re-alleges and re-incorporates paragraphs 1 through 52 as if fully restated herein.

54. Admitted that Section 727(a)(3) states what it states, as to all other allegations or inferences therein, denied.

55. Admitted that Section 521(a)(4) states what it states, as to all other allegations or inferences therein, denied.

56. Denied. Defendant has provided all records which have been reasonably requested of him.

57. Denied.

58. Denied.

59. Denied. Defendant was under no obligation to maintain records.

60. Denied. Defendant was under no obligation to maintain records.

61. Defendant is without sufficient knowledge to admit or deny the allegation contained in this paragraph of Plaintiff's Complaint, therefore denied.

62. Defendant is without sufficient knowledge to admit or deny the allegation contained in this paragraph of Plaintiff's Complaint, therefore denied.

**THIRD CAUSE OF ACTION**  
**Denial of Discharge – 11 U.S.C. § 727(a)(4)**

63. Defendant re-alleges and re-incorporates paragraphs 1 through 62 as if fully restated herein.

64. Admitted that Section 727(a)(4) states what it states, as to all other allegations or inferences therein, denied.

65. Denied. No transfers were made. Plaintiffs' allegation is therefore devoid of factual basis.

66. Denied. No transfers were made. Plaintiffs' allegation is therefore devoid of factual basis.

67. Denied. No transfers were made. Plaintiffs' allegation is therefore devoid of factual basis.

68. Denied.

69. Denied.

70. Denied.

71. Denied.

72. Defendant is without sufficient knowledge to admit or deny the allegation contained in this paragraph of Plaintiff's Complaint, therefore denied.

#### **FIRST AFFIRMATIVE DEFENSE**

Plaintiffs' have failed to state a claim for which relief can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

This action is barred by the applicable statute of limitations.

**THIRD AFFIRMATIVE DEFENSE**

At all times relevant herein, Plaintiff was acting in good faith, without fraudulent intent and did not conspire in or otherwise participate in any fraudulent scheme.

**FOURTH AFFIRMATIVE DEFENSE**

The Plaintiffs intentionally wasted assets of the bankruptcy estate, sufficient to pay the listed creditors, by failing to settle and/or prosecute Defendant's pending and unliquidated claims and refusing to obtain competent counsel with respect to the litigation of TCPA claims.

**FIFTH AFFIRMATIVE DEFENSE**

The Plaintiffs intentionally wasted assets of the bankruptcy estate, sufficient to pay the listed creditors, by engaging counsel whose interests were in conflict with those of the estate and whose only motive in these proceedings is to generate income for themselves.

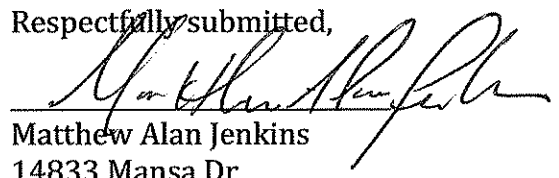
**DEMAND FOR A JURY TRIAL**

The Defendant demands a trial by jury of all issues so triable.

WHEREFORE Defendant respectfully requests an Order dismissing the case and awarding its fees and costs to the extent provided by law.

Dated: 10/12/12

Respectfully submitted,

  
Matthew Alan Jenkins  
14833 Mansa Dr.  
La Mirada, CA  
562-882-0300  
shephard68@yahoo.com

UNITED STATES BANKRUPTCY COURT  
Western District of North Carolina  
Charlotte Division

In re:

Matthew Alan Jenkins  
f/d/b/a Shephard Service Company

Case No. 12-50413

Debtor,

Chapter 7

James T Ward Sr., Trustee and Linda  
Simpson, United States Bankruptcy  
Administrator

Adversary Proceeding 12-03223

Plaintiffs,

v.

Matthew Alan Jenkins,

Defendant

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing ANSWER AND AFFIRMATIVE DEFENSES TO COMPLAINT OBJECTING TO DISCHARGE was served on the following parties either by electronic service or U.S. mail, postage prepaid and addressed as follows:

U.S. Bankruptcy Administrator  
*Via electronic service*

W. Andrew Leliever  
5 W. Hargett Street, Suite 206  
Raleigh, NC 27601

A. Cotton Wright  
Grier Furr & Crisp PA  
101 N. Tryon St. Suite 1240  
Charlotte, NC 28246

James T. Ward Sr.  
404 Bethel St.  
PO Box 240  
Clover, SC 29710

Caren Enloe  
Morris, Manning&Martin,LLP  
1000 Park Forty Plaza  
Suite 350  
Durham, NC 27713

Gregory P Chocklett  
Law Offices of Gregory P Chocklett  
711 Harvey St.  
Raleigh, NC 27608

Jon Player  
Hedrick, Gardner, et al. LLP  
PO Box 30397  
Charlotte NC 28230

This is the 16 day of October, 2012

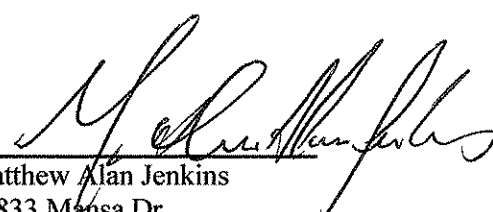
  
Matthew Alan Jenkins  
14833 Mansa Dr.  
La Mirada, CA 90638  
Email: [shephard68@yahoo.com](mailto:shephard68@yahoo.com)

EXHIBIT "A"

1 STATE OF NORTH CAROLINA GENERAL COURT OF JUSTICE  
2 COUNTY OF WAKE SUPERIOR COURT DIVISION  
3 09 CVS 002084

4 FEDERATED FINANCIAL CORPORATION )  
5 OF AMERICA, )

6 Plaintiff, )

7 vs. )

8 MATT JENKINS, Individually and )  
9 d/b/a SHEPARD SERVICE COMPANY, )

10 Defendant. )

Transcript  
4-12-2012

11 TRANSCRIPT OF PROCEEDINGS in the  
12 above-entitled cause on April 12, 2012, before  
13 The Honorable Donald Stephens in the Wake County  
14 Courthouse, Raleigh, North Carolina.

15 A P P E A R A N C E S

16 FOR THE PLAINTIFF:  
17 Mr. Gregory P. Chocklett,  
18 ATTORNEY AT LAW.

19 FOR THE DEFENDANT:  
20 Mr. W. Andrew LeLiever,  
21 ATTORNEY AT LAW.  
22  
23  
24  
25

1 THE COURT: We're back in session. This is  
2 09 CVS 271 versus Matt Jenkins.

3 MR. LELIEVER: Your Honor, I may have the wrong  
4 file number up there. I apologize. It should be 2084.

5 THE COURT: All right. I'm reading what you  
6 handed me, and it's 2084, so we'll correct that,  
7 09 CRS 002084, Federated Financial, plaintiff, versus  
8 Matt Jenkins, individually and doing business as Shepard  
9 Service Company.

10 All right. This is the matter in which we had  
11 a hearing early in the week, and the defendant failed to  
12 appear at that hearing, a show cause hearing. Let's  
13 see. Have you got a copy of the order I signed?

14 MR. CHOCKLETT: You know, Your Honor, I believe  
15 I left mine at my office because I was in a -- oh, wait  
16 a minute. Here it is. I got it. In fact, I may have  
17 two here. Yes, sir, I have two.

18 THE COURT: All right. The Court has set a  
19 hearing, properly noticed, on a show cause why the  
20 defendant shouldn't be held in civil contempt, plaintiff  
21 comply with the previous order of the Court set for  
22 April the 10th of this week at 10 o'clock, and it was  
23 heard in Courtroom 10D.

24 At that time, the defendant and his counsel  
25 were -- defendant's counsel was present, but the

1 defendant was not present.

2 The Court conducted a hearing with reference to  
3 certain bank accounts that were required to be produced  
4 today and ordered that the defendant appear today at 10  
5 o'clock to show cause why he hadn't been there on  
6 Tuesday, and to produce those records.

7 And he's ordered not to transfer any funds out  
8 of any of those accounts pending further order of the  
9 Court, so -- and the defendant's counsel was present at  
10 that hearing and had indicated to the Court, as I  
11 recall, that the defendant was aware of the hearing and  
12 had been -- had some matters come up that had caused his  
13 attention to be directed otherwise, and he did not come  
14 to court on that date, but there was no suggestion that  
15 he was medically unable to attend or had any basis that  
16 the Court would determine to be an emergency that would  
17 have precluded him from attending.

18 Your client here?

19 MR. LELIEVER: Your Honor, I'm sitting next to  
20 Matt Jenkins.

21 THE COURT: Okay. Are you Matt Jenkins?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. Thank you. Have a seat.

24 well, what have we got now? We have a motion to stay  
25 the proceedings filed by the defendant, with

1 accompanying document indicating that Matthew Allen  
2 Jenkins has filed a petition in the Western District of  
3 North Carolina in the United States Bankruptcy Court,  
4 looks like on April the 11th of 2012.

5 It appears from this filing that the same  
6 Matthew Jenkins had previously filed a bankruptcy  
7 petition in February, on February the 8th of 2010.

8 All right. I'll hear you on the motion to  
9 stay.

10 MR. LELIEVER: Your Honor, my client --

11 THE COURT: I'll hear you on your motion to  
12 stay.

13 MR. LELIEVER: My client has filed a Chapter 7  
14 bankruptcy with the Western District of North Carolina.  
15 I attached a stamped copy of that filing to the Court  
16 today.

17 THE COURT: Okay. Well, that stays the -- you  
18 want to respond?

19 MR. CHOCKLETT: Your Honor, as I understand  
20 it --

21 THE COURT: That stays the civil proceeding in  
22 this matter.

23 MR. CHOCKLETT: Right. Not criminal contempt.

24 THE COURT: That stays the civil proceeding in  
25 this matter. It does not stay the action for criminal

1 contempt for failure to appear. That's not stayed. All  
2 right.

3 MR. LELIEVER: That's my understanding, Your  
4 Honor.

5 THE COURT: Okay. Are you ready to proceed in  
6 that matter?

7 MR. LELIEVER: Yes, Your Honor.

8 THE COURT: Okay. Are you ready to proceed in  
9 that matter?

10 MR. CHOCKLETT: Yes, sir.

11 THE COURT: Okay. All right.

12 MR. CHOCKLETT: Well, Your Honor, as you know,  
13 we filed the motion to show cause for civil contempt,  
14 and as you indicated, we had the hearing. Mr. Jenkins  
15 did not appear, so you were unable to inquire about  
16 certain matters.

17 THE COURT: He wasn't here. He has not  
18 appeared in this proceeding in recent memory.

19 MR. CHOCKLETT: Excuse me, sir.

20 THE COURT: According to you, he's not appeared  
21 in this proceeding in recent memory.

22 MR. CHOCKLETT: That is true, Your Honor. I  
23 haven't seen him since 2009, I believe, or maybe early  
24 2010, so, you know, we keep getting appeals every time  
25 an order is issued, and I understand he's going to issue

1 or appeal your order from Tuesday.

2 THE COURT: well, I don't think -- he may have  
3 a hard time doing it if I'm going to stay the  
4 proceeding.

5 MR. CHOCKLETT: well, I mean, at this point in  
6 time, you know, I believe that the bankruptcy was simply  
7 filed to stop this proceeding, that was his intent.

8 The prior bankruptcy he filed, as I understand  
9 it, was to stop a foreclosure on his house, and he let  
10 that bankruptcy lapse.

11 We've already got a notice of deficient filing  
12 in this bankruptcy. He has not filed the documents he's  
13 supposed to file in this bankruptcy either. I believe  
14 that the bankruptcy is simply another ploy by  
15 Mr. Jenkins to avoid court rulings, and including Your  
16 Honor's on Tuesday. And as I understand it, he has no  
17 intent to produce the documents that Your Honor ordered  
18 either.

19 THE COURT: well, I don't know what his  
20 intentions are.

21 MR. CHOCKLETT: That's -- in the companion, no,  
22 not the companion case, but in the Federal case against  
23 me and my client, there's another attorney representing  
24 my client. He had a discussion with Mr. LeLiever and he  
25 reported to me what that discussion was, and that

1 discussion was they are going to appeal your order and  
2 that --

3 MR. LELIEVER: Objection, Your Honor.

4 THE COURT: why? why object?

5 MR. LELIEVER: Well, first of all, what my  
6 conversation was with the other attorney was actually a  
7 negotiation, so that conversation is privileged, and  
8 that attorney said that he would not share it with  
9 Mr. Chocklett.

10 THE COURT: Apparently he didn't comply.

11 MR. LELIEVER: Apparently not.

12 THE COURT: All right. He chose to waive the  
13 privilege, so go ahead.

14 MR. CHOCKLETT: Well, as I understand it,  
15 Mr. LeLiever represented that he's going to appeal your  
16 order and that he's not going to produce the documents  
17 and that the very reason he filed the bankruptcy was to  
18 avoid the Court's order --

19 THE COURT: Well, you know.

20 MR. CHOCKLETT: -- which is typical of him.

21 THE COURT: I didn't just fall off a turnip  
22 truck. Duh. I mean, you know. Duh. You get that?  
23 Duh.

24 MR. LELIEVER: May I be heard?

25 THE COURT: Yes.

1 MR. LELIEVER: First off, that is a  
2 misrepresentation with my conversation with John Player,  
3 who is the other attorney. When I talked to  
4 Mr. Player --

5 THE COURT: I mean, do you think I'm stupid?

6 MR. LELIEVER: I'm sorry, Your Honor. The  
7 questioning is --

8 THE COURT: I mean --

9 MR. LELIEVER: You just stated --

10 THE COURT: -- pretty obvious.

11 MR. LELIEVER: Your Honor, it's not. The fact  
12 that we'd appeal an order is one thing. The fact that  
13 we'd say that we weren't going to produce records is a  
14 totally different thing. Your Honor, may I approach.  
15 We actually -- I advised my client to go to BB&T to talk  
16 with them about producing those records. He's actually  
17 talked with them. We have a timeline about how long it  
18 would take them to produce those records. We intend on  
19 producing those records. We do. You've given us two  
20 days to produce records from '08 to current.

21 THE COURT: Right.

22 MR. LELIEVER: Okay. That was a big measure of  
23 business. First off, he went there, and he was told  
24 that he couldn't get the records because he isn't on the  
25 account. His wife, we're talking to her to try and get

1 her to agree to release those records to us, and I think  
2 we might be able to get them pursuant to the -- because  
3 she has an online account with them.

4           However, let me first start off this whole  
5 basis with saying my client didn't appear. Your Honor,  
6 counsel is correct; he filed a motion to show cause in  
7 this proceeding.

8           If you'll review the record, you never ordered  
9 my client to appear. The original order from 2011 never  
10 ordered my client to appear with the documents, ordered  
11 him to produce the documents, which my client did.

12           There was never an order from the Court to  
13 appear except the one you had on Tuesday to appear  
14 today, which my client has done.

15           THE COURT: I am well aware of that, okay.

16           MR. LELIEVER: To state -- that counsel stated  
17 that my client hasn't been here, he was never ordered to  
18 be here by the Court. If the Court wants to say or  
19 assert that my client is not complying with the Court, I  
20 want the Court to take a look at the record. My client  
21 has produced the documents.

22           Also, my client was never ordered in that order  
23 in 2011 to produce his wife's bank records. He was only  
24 ordered to do that Tuesday of this week, which my client  
25 has gone to the bank. I've shown you that he's

1 preparing to do that. He's here in Court today as  
2 ordered. There has been no allegation that he's  
3 transferred funds.

4 Mr. Chocklett's allegation that he hasn't filed  
5 all the documents, I don't know if he's aware of what  
6 the bankruptcy code is, but my client has 14 days to  
7 produce those. As you can see on the document, he did  
8 this by himself. He does not have an attorney to  
9 produce these things for him.

10 He has a legitimate claim to bankruptcy as far  
11 as I can tell, Your Honor, and to assert that he doesn't  
12 is just that, it's an assertion. To assert that he's  
13 not complying with the Court order is just that, it's an  
14 assertion. But, Your Honor, you ordered my client to be  
15 present today. He's here today.

16 You ordered him to go and see if he can get  
17 those records from the bank. He has done that. You  
18 ordered him not to transfer property. He's done that  
19 too.

20 THE COURT: Mr. Chocklett, I have actually  
21 reviewed the file. I could find no order in the file in  
22 which the defendant was compelled by court order to  
23 appear at previous hearings.

24 Then we move from the civil arena to a criminal  
25 context. The rules are very different, and they're most

1 strict and inflexible. I believe there's no basis in  
2 which to find the defendant is in criminal contempt of  
3 this court. And the bankruptcy proceeding having been  
4 filed, further orders of the Court are stayed with  
5 regard to production of documents, including his wife's  
6 records.

7 So the Court hereby finds that the defendant  
8 has filed bankruptcy in the Western District, and this  
9 action, a civil action, is stayed pending the bankruptcy  
10 proceeding and further orders of the bankruptcy Court.

11 The Court finds the defendant is not in  
12 criminal violation of the -- any order of the Court, and  
13 therefore the Court dismisses the show cause action;  
14 however, the Court does enter an order that if this --  
15 if the bankruptcy petition is dismissed, or the  
16 automatic stay is vacated, allowing this action to  
17 proceed, that the defendant is compelled to appear at  
18 any hearing scheduled by either party in this action  
19 hereafter, unless excused by the Court.

20 Mr. Jenkins, do you understand that?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Okay. There won't be any  
23 misunderstanding later, all right? All right. That's  
24 the order of the Court. Thank you.

25 MR. CHOCKLETT: Thank you, Your Honor. Did you

1 want me to prepare that order?

2 THE COURT: Please. Send a copy to opposing  
3 counsel.

4 MR. LELIEVER: Your Honor, permission to be  
5 able to read that order and make any corrections --

6 THE COURT: Absolutely.

7 MR. LELIEVER: -- before.

8 THE COURT: Absolutely, sure. You all let me  
9 know when you you're either satisfied with it or you  
10 want to present an opposing order. That will be fine  
11 too.

12 MR. LELIEVER: Thank you very much, Your Honor.  
13 Have a good day.

14 THE COURT: And you will -- you'll need to  
15 prepare an order actually staying the proceeding --

16 MR. LELIEVER: I will.

17 THE COURT: -- for our Trial Court --

18 MR. LELIEVER: Can I present that to your --

19 THE COURT: -- Trial Court Administrator. Just  
20 meet with her, and just stay the proceeding pending the  
21 bankruptcy.

22 MR. LELIEVER: Thank you. Have a good day,  
23 Mr. Chocklett.

24 (PROCEEDINGS CONCLUDED.)

25

1 STATE OF NORTH CAROLINA GENERAL COURT OF JUSTICE  
2 COUNTY OF WAKE SUPERIOR COURT DIVISION  
3 09 CVS 002084

4 FEDERATED FINANCIAL CORPORATION )  
5 OF AMERICA, )

6 Plaintiff, )

7 vs. )

8 MATT JENKINS, INDIVIDUALLY and )  
9 d/b/a SHEPARD SERVICE COMPANY, )

10 Defendant. )

CERTIFICATE

Transcript of  
April 12, 2012

11 I, Linda C. Bowden, the officer before whom  
12 the foregoing proceeding was taken, do hereby certify  
13 that said hearing, pages 1 through 12 inclusive, is a  
14 true, correct and verbatim transcript of said  
15 proceeding.

16 I further certify that I am neither counsel  
17 for, related to, nor employed by any of the parties to  
18 the action in which this proceeding was heard; and  
19 further, that I am not financially or otherwise  
20 interested in the outcome of the action.

21 In WITNESS WHEREOF, I have hereunto set my  
22 hand, this 20th day of June, 2012.

23  
24 \_\_\_\_\_  
25 Linda C. Bowden, Official Court Reporter